

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2012

No. 11-30366

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

KERRY K. OWENS,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:10-CR-261-5

ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES

Before JONES, Chief Judge, and JOLLY and SMITH, Circuit Judges.

PER CURIAM:*

After our opinion was issued in this case, the Supreme Court decided *Dorsey v. United States*, 132 S. Ct. 2321 (2012). *Dorsey* held, contrary to our opinion, that the more lenient penalties of the Fair Sentencing Act (“Act”) apply to offenders who committed an offense before the Act was passed, but were

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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sentenced after the Act was enacted. We therefore VACATE and REMAND these cases for resentencing consistent with the Court's holding in *Dorsey*.